



Comptroller General
of the United States

732153

Washington, D.C. 20548

Decision

Matter of: Disco Electrical Supply

File: B-256449

Date: March 15, 1994

DECISION

Disco Electrical Supply protests the award of a contract to Modern Electric of Maryland, Ltd. under invitation for bids No. DACW31-93-B-0100, issued by the Department of the Army for the removal and salvage or disposal of transformers. The protester alleges that the awardee is not a regular dealer or a manufacturer in accordance with the requirements of the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1988).

We dismiss this protest because our Office does not determine the legal status of a firm as a regular dealer or a manufacturer within the meaning of the Walsh-Healey Act.

Under our Bid Protest Regulations, 4 C.F.R. § 21.3(m) (9) (1993), our Office does not consider the legal status of a firm as a regular dealer or a manufacturer under the Walsh-Healey Act. By law, this matter is to be decided by the contracting agency in the first instance, subject to review by the Small Business Administration, where a small business is involved, and the Secretary of Labor. The Pratt & Whitney Co., Inc.; Onsrud Mach. Corp., B-232190; B-232190.2, Dec. 13, 1988, 88-2 CPD ¶ 588. Here, this matter was opened because the agency apparently had not met its obligation to investigate the alleged Walsh-Healey violation in accordance with Federal Acquisition Regulation § 22.608-6. However, the agency has advised our Office that it is currently investigating the matter based on information provided by the protester.

The protest is dismissed.

Michael R. Golden

Michael R. Golden
Assistant General Counsel